IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

Tr.P(C).No. 186 of 2007()

OP.749/2007 of FAMILY COURT,TRIVANDRUM
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PETITIONER

SMT. BINDU JOSEPH, D/O.ADV.G.M.IDICULLA,
MULAMOOTTIL HOUSE, KOZHENCHERRY,
PATHANAMTHITTA.

BY ADV. SRI.JACOB P.ALEX

RESPONDENT

DR.RONY KURIAN, S/O.DR.V.J.KURIAN,
VADAKKEKUTTYANI HOUSE, PLASSANAL P.O.,
KOTTAYAM.

BY ADV. SRI.K.A.HASSAN

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON IA 2158/07 IN Tr.P(C) 186/07

DISMISSED.

SD/- M.N.KRISHNAN, JUDGE.

25/9/2007

M.N.Krishnan, J.

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Tr.P(C).No.186 of 2007

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Dated this the 25th day of September, 2007.

JUDGMENT

This Transfer Petition is filed to transfer O.P.No.749 of 2007 pending before the Family Court, Thiruvananthapuram to the Family Court, Kottayam at Ettumanoor. Husband has filed the application for divorce and it is pending as O.P.No.647 of 2007 before the Family Court, Kottayam at Ettumanoor. It is submitted by the counsel for the petitioner that the petitioner and the child are temporarily residing in Thiruvananthapuram for the purpose of education of the child and it is further averred that the parents of many of classmates of the children are practicing lawyers in the Family Court, Thiruvananthapuram and therefore, it may cause unnecessary embarrassment and difficulty to the child, who is only studying in the 5th Standard. Welfare of the child is paramount consideration in a matrimonial dispute and there will be embarrassment as suggested by the counsel for the

petitioner. Further, the main proceeding regarding divorce is pending before the Family court, Kottayam and it is only just and reasonable that both the cases are tried by one and the same court.

2. So taking into consideration the hardship of the parties and also the paramount welfare of the child, I am inclined to transfer O.P.No.749 of 2007 pending before the Family Court, Thiruvananthapuram to the Family Court, Kottayam at Ettumanoor. I also make it clear that the respondent shall not be unnecessarily put into hardship by asking him to be present for each and every hearing if an application is moved for exemption on genuine ground, the court has to consider and allow it.

Transfer Petition is disposed of as above.

M.N.Krishnan,
Judge.

ess 25/9